

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

**C.M. No.19123 of 2005 and  
C.W.P.No.5312 of 1995  
Date of Decision:- 16.03.2007**

Kishanchan Savlani & ors.

....Petitioners

through  
Mr.M.L.Saggar, Advocate

vs.

The Competent Authority & ors.

....Respondent(s)

through  
Mr.B.S.Baath, AAG, Punjab.

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**CORAM:-HON'BLE MR.JUSTICE SURYA KANT.**

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- 1) Whether Reporters of the local papers may be allowed to see the judgment?
- 2) To be referred to the Reporters or not?
- 3) Whether the judgment should be reported in the Digest?

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**SURYA KANT, J.**

This writ petition under Article 226/227 of the Constitution of India has been filed with a prayer to quash the orders dated December 31, 1984 (Annexure P-8), August 1, 1985 (Annexure P-10) passed by respondent Nos.1 and 2 respectively, vide which the land measuring 1168.60 square metres in possession of the petitioners situated in Rakh Shikargarh Area on GT Road Bye-pass near junction of Fatehgarh Churian Road, Amritsar, was declared surplus in purported exercise of the powers conferred under Section 10(1) of the Urban Land (Ceiling and Regulation) Act, 1976 (Central Act No.33 of 1976)

Needless to say that the impugned orders dated December 31, 1984 (Annexure P-8) and August 1, 1985 (Annexure P-10) were also

passed under the afore-stated 1976 Act only.

Vide order dated November 6, 1985 this writ petition was admitted and was ordered to be heard along with Civil Writ Petition No.2244 of 1985 but no stay was given to the petitioner qua the afore-mentioned land which was declared surplus with them.

The case was taken up for final hearing on July 14, 2004, when it was brought to the notice of the Court that the counsel for the petitioners had died. The Registry was accordingly directed to send notices to the petitioners for September 29, 2004. In response thereto, the office reported that petitioners No.1 & 2 (Kishanchand Savlani and Smt.Ratna Savlani) have died.

Thereafter Civil.Misc.Nos.19122 and 19150 of 2005 were moved for impleading the legal representatives of the deceased petitioners No.1 and 2. The same were allowed vide order dated February 03, 2006 and petitioner No.3-being the sole legal heir of petitioner Nos.1 and 2, was ordered to be impleaded as their legal representative.

It is fairly conceded by Shri B.S.Baath, learned Assistant Advocate General, Punjab, that the Urban Land (Ceiling and Regulation) Act, 1976 has since been repealed vide the Central Ordinance No.5 of 1999 with effect from 22.3.1999 as has been notified by the Government of Punjab, Department of Housing and Urban Development vide their notification No.7/1/99-3HGI-1899 dated 30.5.2000. As a result thereof, the proceedings under the 1976 Act have come to an end in the State of Punjab.

In their written reply dated 8.2.2007 filed on behalf of respondent Nos.1 and 2, it is not disputed that notwithstanding the declaration of excess area under the repealed Act of 1976, the petitioners

continue to retain possession of the subject property.

Since the Act has been repealed during the pendency of this writ petition and the proceedings initiated thereunder have not yet attained finality and the possession of the properties also remained with the petitioner, in my view, further proceedings under the afore-mentioned Act no longer survive and stand lapsed, particularly when no saving clause of any kind in the Repealing Act has been brought to the notice of this Court. As a necessary consequence, the action which culminated into passing of the impugned orders dated December 31, 1984 and August 1, 1985 (Annexures P-8 and P-10) has also lost legal back-up rendering the same inoperative.

Shri M.L.Saggar, learned counsel appearing on behalf of the petitioner also accepts the legal and factual position that no cause of action survives in favour of the petitioner after repealing of the 1976 Act as the orders passed thereunder having become inoperative.

Consequently and in view of the stand taken by learned Assistant Advocate General, Punjab, as stated above, this writ petition has been rendered infructuous and is disposed of accordingly.

No costs.

**March 16, 2007**  
poonam

**( SURYA KANT )**  
**JUDGE**